

Di-az et al v. Tesla, Inc. et al
U.S. District Court for the Northern District of California
Case No. 17-cv-06748-WHO

EXHIBIT 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

No. 3:17-cv-06748-WHO

vs.

TESLA, INC. Dba TESLA MOTORS,
INC.; CITISTAFF SOLUTIONS,
INC.; WEST VALLEY STAFFING
GROUP; CHARTWELL STAFFING
SERVICES, INC.; NEXTSOURCE,
INC.; and DOES 1-50,
inclusive,

Defendants.

_____ /

DEPOSITION OF ANNALISA HEISEN

May 29, 2019

Reported by:

Bridget M. Mattos, CSR No. 11410

1 **A. No.**

2 Q. So you're here, designated as the person most
3 knowledgeable on various topics.

4 MS. JENG: Correct.

5 MR ORGAN: I have your objections, so what I
6 thought we'd do is maybe go through the objections and
7 sort of figure out the topics, if that's okay.

8 MS. JENG: Yeah, I'd just like to assert a
9 belated objection to the videography not being done by
10 a certified officer pursuant to the FRCP.

11 MR ORGAN: Okay.

12 This is 143.

13 (Whereupon Deposition Exhibit 143
14 was marked for identification.)

15 MR ORGAN: So Exhibit 143, for the record, is
16 a 44-page document that is Defendants' objections to
17 Plaintiff's sixth amended notice of videotaped
18 deposition of Tesla Inc's person most knowledgeable
19 pursuant to FRCP 30(b)(6). And let's just go through.

20 Q. If you turn to the fourth page, you're the
21 person most knowledgeable relative to topic number 1;
22 is that right?

23 **A. Correct.**

24 Q. And then you're the person most knowledgeable
25 relative to topic number 2?

1 **A. Correct.**

2 Q. You're the person most knowledgeable relative
3 to topic number 3; is that right?

4 **A. Correct.**

5 Q. You're the person most knowledgeable relative
6 to topic number 4?

7 **A. Correct.**

8 Q. You're the person most knowledgeable relative
9 to topic number 5?

10 **A. Correct.**

11 Q. You're the person most knowledgeable relative
12 to topic number 6? We're now on page 6.

13 **A. Correct.**

14 Q. You're the person most knowledgeable relative
15 to topic number 7?

16 **A. Correct.**

17 Q. You're the person most knowledgeable relative
18 to topic number 8?

19 **A. Correct.**

20 Q. You're the person most knowledgeable relative
21 to topic number 9?

22 **A. Correct.**

23 Q. You're the person most knowledgeable relative
24 to topic number 10?

25 **A. Correct.**

1 Q. You're the person most knowledgeable relative
2 to topic number 11?

3 A. Correct.

4 Q. You're the person most knowledgeable relative
5 to topic number 12?

6 A. Correct.

7 Q. You're the person most knowledgeable relative
8 to -- you're not here to testify on topic number 13;
9 correct?

10 A. Correct.

11 Q. But you're the person most knowledgeable
12 relative to topic number 14?

13 A. Correct.

14 MS. JENG: And, Counsel, just to clarify,
15 she's here to testify about the topics as designated
16 in the objections.

17 MR ORGAN: No, I understand that.

18 MS. JENG: Okay.

19 MR ORGAN: We're going to have to meet and
20 confer on that, but in terms of going forward today.

21 You're the person most knowledgeable relative
22 to topic number 15; is that correct?

23 A. Correct.

24 Q. You're the person most knowledgeable relative
25 to topic number 16?

ANNALISA HEISEN
May 29, 2019

1 **A. Correct.**

2 MR. ORGAN: Topic 17 and 18, we've already
3 had a PMK on.

4 19 you're objecting to, and 20 and 21 and 22;
5 is that right?

6 MS. JENG: What was the question?

7 MR ORGAN: Q. My question is just in terms
8 of -- you are not testifying -- we know on 17 and 18,
9 because we've already had a PMK on those topics, but
10 in terms of 19, 20, 21 and 22, you are not testifying
11 on those topics; correct?

12 **A. Correct.**

13 Q. You're the person most knowledgeable on topic
14 number 23?

15 **A. Correct.**

16 Q. You are not testifying on topics 24 through
17 26; correct?

18 **A. Correct.**

19 MR. ORGAN: Now, with respect to topic number
20 27, Ramon Martinez previously testified as to
21 discipline issued. No, Javier, I think, testified as
22 to discipline issued to Ramon Martinez, but not as to
23 complaints made against Ramon Martinez.

24 Are you still objecting to topic number 27?

25 MS. JENG: I believe this was covered.

1 MR ORGAN: Q. You're the person most
2 knowledgeable as to topic number 28? No, I think
3 that's the same as 27.

4 29 and 30 were already testified to. And 31.
5 You're not here to testify on topics 32
6 through 35; is that correct?

7 **A. Correct.**

8 MR. ORGAN: Now, with respect to 36, there is
9 an objection as to most senior employee of Defendant
10 as to proper procedures for performing the race
11 harassment investigation as Tesla's Fremont location
12 in 2014 to 2016.

13 I'm wondering, absent that objection, is this
14 witness still able to testify as to the remainder of
15 that topic; i.e., proper procedures for performing a
16 race harassment investigation at Tesla's Fremont
17 location from 2014 to 2016?

18 MS. JENG: I think to the extent you're
19 trying to parse out the topic, I mean, I think what
20 you're looking for is covered by some of the other
21 topics that we've designated her for.

22 MR ORGAN: Q. You're not testifying on topic
23 number 37; correct?

24 **A. Correct.**

25 Q. Then with respect to topic number 38, you are

1 the person most knowledgeable on that, correct, the
2 business relationship between Tesla and CitiStaff.

3 MS. JENG: She's not the designated person
4 for that.

5 MR ORGAN: Q. And then 39, is there a
6 different designated person for that one too, then?

7 A. Correct.

8 Q. Okay. And then a different designated person
9 for 40?

10 A. Yes.

11 Q. Then you are not testifying on topics 41
12 through 50; is that correct?

13 A. Correct.

14 Q. But you are the person most knowledgeable on
15 topic number 51?

16 MS. JENG: As phrased, Counsel, yeah.

17 MR ORGAN: As phrased? Yes.

18 MS. JENG: Yes. There's objections.

19 MR ORGAN: Right.

20 Q. And then with respect to topics 52 through
21 56, you are not testifying as to any of those topics;
22 correct.

23 A. Correct.

24 MS. JENG: Counsel, before I forget, I
25 apologize. Here's some documents for you.

ANNALISA HEISEN
May 29, 2019

1 at the factory?

2 MS. JENG: Objection; vague and ambiguous as
3 to "line workers."

4 THE WITNESS: What do you mean by "line
5 workers"?

6 MR ORGAN: Q. People who work on the
7 production line, production associates.

8 I'll try it this way: What does Tesla do to
9 communicate its antiharassment and discrimination
10 policy to production associates?

11 A. The policy is available on our internal site,
12 and we do also provide trainings.

13 Q. Who gets the training on the antiharassment
14 and discrimination policy?

15 A. We have different versions of training
16 available for different employees.

17 Q. Is training provided to all regular employees
18 at the Fremont factory, relative to antidiscrimination
19 and harassment?

20 A. I believe so. You said "all regular
21 employees"?

22 Q. Yeah.

23 A. Yes, that's my understanding.

24 Q. And as to contract employees, are contract
25 employees also trained on Tesla's antiharassment and

1 discrimination policy?

2 A. My understanding is that the agencies who
3 employ the contractors are doing training on policies
4 and compliance. I don't have visibility into their
5 processes.

6 Q. So your understanding is that the contracting
7 agencies are supposed to train their employees who
8 were working at the Tesla factory, on Tesla's
9 antiharassment and discrimination policy; correct?

10 MR. ARANEDA: Misstates prior testimony.

11 THE WITNESS: So, there's an expectation that
12 they're being trained by their staffing agencies on
13 antiharassment and discrimination, but this -- not
14 this policy specifically; I'm not sure what they're
15 doing. I couldn't confirm if they're training this
16 policy, since they're employees.

17 MR ORGAN: Q. What steps does Tesla take to
18 ensure that contractors who come into and work in the
19 Tesla factory in Fremont have training relative to the
20 topic of antiharassment and discrimination?

21 A. We have an expectation that agencies are
22 training on antiharassment and discrimination.

23 Q. And what is that expectation based on?

24 A. That they're legally compliant.

25 Q. In terms of Tesla's expectation, is there an

1 MR ORGAN: Q. And any information that is
2 brought to Tesla's HR department is investigated by
3 Tesla's HR department; right?

4 MS. JENG: Objection.

5 MR ORGAN: Strike that.

6 Q. Any information relative to a complaint of
7 harassment based on race at the Tesla factory, that's
8 investigated by HR, Tesla's HR, if it's brought to
9 Tesla HR attention; correct?

10 A. It depends.

11 Q. What does it depend on?

12 A. Who's involved in the complaint.

13 Q. I see.

14 So what if you have a complaint that involves
15 different contractors at the factory, how would you go
16 about investigating that?

17 MS. JENG: Objection; incomplete
18 hypothetical.

19 THE WITNESS: It's case by case, given what
20 information is presented in the complaint and who's
21 involved.

22 MR ORGAN: Q. What if conduct is sort of
23 open and notorious, meaning it's open for everybody to
24 see, harassing conduct, would that be something that
25 Tesla's HR would investigate?

1 MS. JENG: Objection; incomplete

2 hypothetical. Also vague and ambiguous.

3 THE WITNESS: It would similarly depend on
4 who's involved in the complaint.

5 MR ORGAN: Q. And how do you make sure that
6 Tesla's obligation to ensure a workplace free from
7 harassment based on race is maintained, if you are
8 delegating investigations to non-Tesla HR?

9 MS. JENG: Objection; misstates her
10 testimony.

11 THE WITNESS: Can you repeat the question?

12 MR ORGAN: Let me break it down.

13 Q. Tesla has an obligation to the people who
14 work at the Fremont factory to ensure that they are in
15 a workplace free from harassment based on race; right?

16 **A. Correct.**

17 Q. And that's regardless of whether the person
18 working there is an employee or a contractor, right,
19 that obligation?

20 **A. That's my understanding.**

21 Q. So in terms of ensuring that workers at the
22 Tesla factory are not subject to harassment based on
23 race, how does Tesla's HR department ensure that that
24 is the case, if they are delegating investigation
25 processes to non-Tesla employees?

1 MS. JENG: Objection; misstates her prior
2 testimony.

3 THE WITNESS: There's still an expectation
4 that these types of concerns that are brought forward
5 will be investigated, but it depends case by case as
6 to how that's approached.

7 MR ORGAN: Q. There must be at least some
8 oversight, though, by Tesla human resources, relative
9 to investigations conducted by contractors; right?

10 **A. And again, depends on the case.**

11 Q. In terms of Tesla's efforts to ensure that it
12 has a workplace free from harassment based on race,
13 are there any kind of procedures that Tesla has
14 adopted for coordinating investigations into
15 allegations of harassment based on race?

16 **A. It depends on the case. It varies widely.**
17 **There's not one fixed method that we address that**
18 **with.**

19 Q. There are no written procedures that Tesla
20 has for coordinating investigations of allegations of
21 harassment based on race?

22 MS. JENG: Objection; misstates her prior
23 testimony.

24 THE WITNESS: Not that outline step by step
25 for each of these cases.

1 **orientation.**

2 Q. Mr. Gesowich did training relative to leads
3 and supervisors; correct?

4 A. **Yeah, if I recall correctly.**

5 Q. You mentioned previously that both employees
6 and contractors have access to Tesla's policies on its
7 internal website; is that correct, or internal --
8 whatever that communication system?

9 A. Home page website, yes. Some of the
10 policies, yeah. We have a lot of policies, but
11 certainly the antiharassment and discrimination policy
12 is still there.

13 Q. In terms of communicating the policy to
14 workers, other than through the new-hire training and
15 then having it available on the internal home page,
16 does Tesla do anything else to inform its employees of
17 it's antiharassment and discrimination policies?

18 A. There are other harassment trainings that
19 they go by different names. Some are listed as
20 certifications, video or online courses, or in-person
21 trainings as well.

22 Q. And the online training that there is --
23 there's a videotape of, I think it's a couple Tesla
24 employees speaking in front of the Tesla car; is that
25 right? Have you seen that one?

May 29, 2019

1 **A. I don't recall that specifically. The online**
2 **training that I know definitely exists is for managers**
3 **and supervisors. Again, there's an expectation that**
4 **they'll take a refresher on harassment training,**
5 **every -- two years, I believe, has been the standard.**
6 **And I know that's delivered as a two-hour course**
7 **online, and there might be others as well.**

8 Q. And the online training for managers and
9 supervisors, do the leads have to take that training
10 too?

11 **A. Currently, I don't believe so.**

12 Q. But is there something in the works to change
13 that, such that leads need to take that training in
14 the future?

15 **A. My understanding is that the law is changing**
16 **as of next year; that they'll need to take that as**
17 **well.**

18 Q. In terms of training by Javier Caballeros, do
19 you know what kind of training he received on the
20 topic of discrimination or harassment?

21 **A. I couldn't name it off the top of my head,**
22 **but there is a certification record that would include**
23 **courses.**

24 Q. Did you review those records to get ready for
25 your deposition?

ANNALISA HEISEN

May 29, 2019

1 there was a man named Nordano Ramirez who said he had
2 witnessed Mr. Foster engaging in threatening conduct
3 towards Mr. Diaz; correct?

4 **A. Correct.**

5 Q. Other than these four issues, the July 2015,
6 the October 2015, the November 2015, and then the
7 January 2016 incidents, are you aware of any other
8 complaints or investigations relating to Owen Diaz?

9 **A. I'm not.**

10 Q. Are you aware of any complaints or
11 investigations regarding Demetric Diaz?

12 **A. Not during his time on contract with Tesla.**

13 Q. Are you aware of any complaints regarding
14 Demetric Diaz from some other time?

15 **A. No, just as relates to this case.**

16 Q. Oh, in terms of Mr. Demetric Diaz filing this
17 case, is that what you're saying?

18 **A. Correct.**

19 Q. Have we now covered the results of any
20 investigations that you're aware of relating to any of
21 the plaintiff's claims of race harassment?

22 **A. That's my understanding.**

23 Q. In terms of Tesla's policies and procedures
24 for Tesla contractors to ensure that your contractors
25 enforce Tesla's antiharassment policies, is there

ANNALISA HEISEN

May 29, 2019

1 complaining to either a lead, a supervisor, a manager,
2 or HR; is that true?

3 **A. Correct. Or through the integrity hotline.**

4 Q. Or to the integrity hotline.

5 And similarly, if a contract employee who's
6 working at the Tesla factory wanted to complain about
7 harassing conduct, they could also complain to their
8 lead supervisor manager or HR; is that true?

9 **A. The staffing agencies' HR and other people**
10 **employed through there, they would be able to speak**
11 **with them or Tesla staff, or the agency.**

12 Q. Actually, a contract employee has more
13 avenues to complain, because they can complain either
14 to their own staffing agency or to Tesla supervisors,
15 managers, or HR people; true?

16 **A. That's correct.**

17 Q. Now, in terms of steps that Tesla has taken
18 to prevent the use of the "N" word at the Fremont
19 factory, are you aware of any steps that Tesla has
20 taken specifically to address that term?

21 MS. JENG: Objection; lacks foundation.

22 THE WITNESS: Not solely for the purpose of
23 addressing that term.

24 MR ORGAN: Q. You're aware that there have
25 been allegations of the use of the "N" word in

ANNALISA HEISEN

May 29, 2019

1 State of California)

2 County of Marin)

3

4 I, Bridget M. Mattos, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth
7 and nothing but the truth in the within entitled
8 cause; that said deposition was taken at the time and
9 place herein named; that the deposition is a true
10 record of the witness's testimony as reported to the
11 best of my ability by me, a duly certified shorthand
12 reporter and disinterested person, and was thereafter
13 transcribed under my direction into typewriting by
14 computer; that the witness was given an opportunity to
15 read, correct and sign the deposition.

16 I further certify that I am not
17 interested in the outcome of said action nor connected
18 with or related to any of the parties in said action
19 nor to their respective counsel.

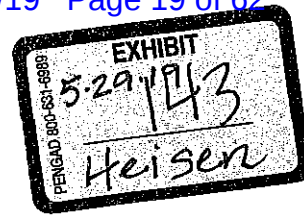
20 IN WITNESS WHEREOF, I have hereunder
21 subscribed my hand on May 29, 2019.

22

23 BRIDGET M. MATTOS, CSR NO. 11410

24

25



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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 DEMETRIC DI-AZ, OWEN DIAZ and
 14 LAMAR PATTERSON, an individual,

15 Plaintiffs,

16 v.

17 TESLA, INC. DBA TESLA MOTORS, INC.;
 CITISTAFF SOLUTIONS, INC.; WEST
 VALLEY STAFFING GROUP;
 18 CHARTWELL STAFFING SERVICES, INC.
 and DOES 1-10, inclusive,

19 Defendants.

Case No. 3:17-cv-06748-WHO

**DEFENDANT'S OBJECTIONS TO
 PLAINTIFFS' SIXTH AMENDED
 NOTICE OF VIDEOTAPED
 DEPOSITION OF TESLA, INC.'S
 PERSON MOST KNOWLEDGEABLE
 PURSUANT TO FED. R. CIV. P. 30(B)(6);
 AND REQUEST FOR PRODUCTION OF
 DOCUMENTS**

Date: May 29, 2019
 Time: 10:00 a.m.
 Place: California Civil Rights Law Group
 332 San Anselmo Avenue
 San Anselmo, CA 94960

Trial Date: November 18, 2019

1 Defendant TESLA, INC. dba TESLA MOTORS, INC. (hereinafter "Defendant"), hereby
 2 makes the following Objections to Plaintiffs DEMETRIC DI-AZ and OWEN DIAZ's
 3 ("Plaintiffs") Sixth Amended Notice of Videotaped Deposition of the Person Most Qualified to
 4 Testify from Defendant Tesla Motors, Inc., and Request for Production of Documents ("Notice of
 5 Deposition").

6 **PRELIMINARY STATEMENT AS TO PERSON MOST KNOWLEDGEABLE TOPICS**

7 These responses are made solely for purposes of this dispute. Each response is subject to
 8 all objections as to relevance, materiality and admissibility, and any and all other objections and
 9 grounds which would require the exclusion of any statements contained herein, if such statements
 10 were made by a witness present and testifying at court. All said objections and grounds are
 11 expressly reserved and may be interposed at the time of trial.

12 The responses set forth herein are based solely on the investigation and discovery
 13 conducted in this dispute to date. Defendant's discovery and investigation are ongoing and
 14 continuing. Without incurring an obligation to do so, Defendant fully reserves the right to
 15 supplement, amend, or modify its responses to this Notice of Deposition as discovery and
 16 investigation continue.

17 **GENERAL OBJECTIONS**

18 Defendant makes the following General Objections to each deposition subject area
 19 ("Topic"), each of which is incorporated by this reference into each individual response as if set
 20 forth there in full, and accordingly these General Objections will not be repeated in full therein.
 21 These General Objections apply to the entirety of the Notice of Deposition. The assertion of same,
 22 similar, or additional objections to the individual requests does not waive any of Defendant's
 23 General Objections as set forth below. Likewise, insofar as a General Objection is not enumerated
 24 in a response, it shall not be deemed waived.

25 1. Defendant generally objects to the Notice of Deposition to the extent it seeks the
 26 discovery of information covered by the attorney-client privilege, the attorney work-product
 27 doctrine, or any other applicable privilege.

1 2. Defendant generally objects to the Notice of Deposition to the extent that it requires
2 Defendant to produce information within the exclusive possession, custody, or control of third
3 parties.

4 3. Defendant generally objects to the Notice of Deposition to the extent it requires
5 Defendant to produce information, public or otherwise, that is equally available to Plaintiffs, and
6 decline to produce any such information or documents.

7 4. Defendant generally objects to the Notice of Deposition and to each Topic therein
8 to the extent that the Topics seeks discovery of information, the release of which would be a
9 violation of any individual's right of privacy under Article I, Section 1 of the California
10 Constitution, or any other constitutional, statutory or common law right of privacy of any person.

11 5. Defendant generally objects to the Notice of Deposition and to each Topic therein
12 to the extent it is vague and ambiguous, overly broad, unduly burdensome, and not reasonably
13 calculated to lead to the discovery of admissible evidence. Defendant reserves any and all
14 objections as to relevance and materiality. Defendant's responses are not intended to waive or
15 prejudice any objections Defendant may have or may assert later.

16 6. Defendant generally objects to the Notice of Deposition and to each Topic therein
17 to the extent it seeks information relating to events that fall outside the relevant period.

18 7. Defendant generally objects to the Notice of Deposition to the extent the requested
19 information is available from other sources and/or from other means.

20 8. Defendant objects to the following defined terms/phrases in the notice as vague,
21 ambiguous, and overbroad: "YOU," "YOUR," "DEFENDANT," "EMPLOYEE,"
22 "EMPLOYEES," and "DOCUMENTS."

23 Defendant provides the following objections and responses subject to, and without waiving
24 the foregoing Preliminary Statement and General Objections, which are incorporated by reference
25 into each response below.

26 Subject to the foregoing General Objections, which are incorporated into each specific
27 response below and expressly subject thereto, Defendant provides responses to Plaintiff's Notice
28 of Deposition as follows:

DEPOSITION TOPICS

TOPIC NO. 1:

DEFENDANT'S POLICIES and PROCEDURES RELATED to race harassment in effect from 2014 to present.

OBJECTION TO TOPIC NO. 1:

Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "POLICIES and PROCEDURES," "RELATED to," and "race harassment," unintelligible and uncertain; and (4) it lacks foundation and calls for speculation that certain, if any of, Defendant's policies applied to Plaintiffs, who were never employees of Defendant. Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable to testify as to policies and procedures in effect during the relevant time period and that applied to Plaintiffs, who were never employees of Defendant, if any.

TOPIC NO. 2:

DEFENDANT'S POLICIES and PROCEDURES RELATED to race discrimination in effect from 2014 to present

OBJECTION TO TOPIC NO. 2:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "POLICIES and PROCEDURES," "RELATED to," "complaints or claims," and "race harassment," unintelligible and uncertain; and (4) it lacks foundation and calls for speculation that certain, if any of, Defendant's policies applied to Plaintiffs, who were never employees of Defendant. Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable to testify as to

1 policies and procedures in effect during the relevant time period and that applied to Plaintiffs, who
 2 were never employees of Defendant, if any.

3 **TOPIC NO. 3:**

4 DEFENDANT'S POLICIES and PROCEDURES RELATED to investigating complaints
 5 or claims of race harassment.

6 **OBJECTION TO TOPIC NO. 3:**

7 Defendant incorporates each of the general objections listed above. Defendant further
 8 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
 9 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
 10 harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases
 11 "POLICIES and PROCEDURES," "RELATED to," "complaints or claims," and "race
 12 harassment," unintelligible and uncertain; and (4) it lacks foundation and calls for speculation that
 13 certain, if any of, Defendant's policies applied to Plaintiffs, who were never employees of
 14 Defendant. Subject to and without waiving it objections and to the extent it is understood,
 15 Defendant responds: Defendant will produce its person most knowledgeable to testify as to
 16 policies and procedures in effect during the relevant time period and that applied to Plaintiffs, who
 17 were never employees of Defendant, if any.

18 **TOPIC NO. 4:**

19 DEFENDANT'S POLICIES and PROCEDURES RELATED to investigating complaints
 20 or claims of race discrimination.

21 **OBJECTION TO TOPIC NO. 4:**

22 Defendant incorporates each of the general objections listed above. Defendant further
 23 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
 24 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
 25 harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases
 26 "POLICIES and PROCEDURES," "RELATED to," "complaints or claims," and "race
 27 discrimination," unintelligible and uncertain; and (3) it lacks foundation and calls for speculation
 28 that certain, if any of, Defendant's policies applied to Plaintiffs, who were never employees of

1 Defendant. Subject to and without waiving it objections and to the extent it is understood,
 2 Defendant responds: Defendant will produce its person most knowledgeable to testify as to
 3 policies and procedures in effect during the relevant time period and that applied to Plaintiffs, who
 4 were never employees of Defendant, if any.

5 **TOPIC NO. 5:**

6 DEFENDANT'S communication(s) to its EMPLOYEES of POLICIES and
 7 PROCEDURES RELATED TO race harassment.

8 **OBJECTION TO TOPIC NO. 5:**

9 Defendant incorporates each of the general objections listed above. Defendant further
 10 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
 11 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
 12 harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases
 13 "communication(s)," "POLICIES and PROCEDURES," "RELATED to," and "race harassment,"
 14 unintelligible and uncertain; and (4) it lacks foundation and calls for speculation that certain, if any
 15 of, Defendant's policies applied to Plaintiffs, who were never employees of Defendant. Subject to
 16 and without waiving it objections and to the extent it is understood, Defendant responds:
 17 Defendant will produce its person most knowledgeable to testify as to communications about this
 18 Topic made during the relevant time period to Plaintiffs, who were never employees of Defendant,
 19 if any, Plaintiffs' supervisors and Plaintiffs' alleged harassers as identified in the Complaint.

20 **TOPIC NO. 6:**

21 DEFENDANT'S communication(s) to its EMPLOYEES of POLICIES and
 22 PROCEDURES RELATED TO race discrimination

23 **OBJECTION TO TOPIC NO. 6:**

24 Defendant incorporates each of the general objections listed above. Defendant further
 25 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
 26 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
 27 harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases
 28 "communication(s)," "POLICIES and PROCEDURES," "RELATED to," and "race

discrimination,” unintelligible and uncertain; and (4) it lacks foundation and calls for speculation that certain, if any of, Defendant’s policies applied to Plaintiffs, who were never employees of Defendant. Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable to testify as to communications about this Topic made during the relevant time period to Plaintiffs, who were never employees of Defendant, if any, Plaintiffs’ supervisors and Plaintiffs’ alleged harassers as identified in the Complaint.

TOPIC NO. 7:

Any anti-harassment, anti-discrimination and/or anti-retaliation training that was provided by YOU to YOUR employees since 2014.

OBJECTION TO TOPIC NO. 7:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs’ supervisors or to Plaintiffs’ alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases “training,” unintelligible and uncertain. Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable to testify as to anti-harassment, anti-discrimination and/or anti-retaliation training provided during the relevant time period to Plaintiffs, who were never employees of Defendant, if any, Plaintiffs’ supervisors and Plaintiffs’ alleged harassers as identified in the Complaint.

TOPIC NO. 8:

Any anti-harassment, anti-discrimination and/or anti-retaliation training materials, practices, and/or guidelines YOU provided to YOUR employees and/or supervisors and/or managers since 2014.

OBJECTION TO TOPIC NO. 8:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs’ supervisors or to Plaintiffs’ alleged

1 harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases
 2 "training materials," "practices," "guidelines," and "managers," unintelligible and uncertain.
 3 Subject to and without waiving it objections and to the extent it is understood, Defendant
 4 responds: Defendant will produce its person most knowledgeable to testify as to anti-harassment,
 5 anti-discrimination and/or anti-retaliation training materials provided during the relevant time
 6 period to Plaintiffs, who were never employees of Defendant, if any, Plaintiffs' supervisors and
 7 Plaintiffs' alleged harassers as identified in the Complaint.

8 **TOPIC NO. 9:**

9 Any and all investigation(s) YOU conducted in response to PLAINTIFFS' complaint(s)
 10 of race harassment.

11 **OBJECTION TO TOPIC NO. 9:**

12 Defendant incorporates each of the general objections listed above. Defendant further
 13 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 14 oppressive; (2) it is vague and ambiguous, especially as to the alleged "complaint(s) of race
 15 harassment," and Defendant denies that Plaintiffs ever made any complaints of race harassment;
 16 (3) it is vague and ambiguous, especially as to the phrase "investigation(s)," unintelligible and
 17 uncertain. Subject to and without waiving it objections and to the extent it is understood,
 18 Defendant responds: Defendant will produce its person most knowledgeable to testify as to how
 19 the incidents alleged in the Complaint by Plaintiff Owen Díaz were investigated and responded to.

20 **TOPIC NO. 10:**

21 The circumstances (who, what, where, when, how and why) of any investigation
 22 conducted by DEFENDANT into Plaintiffs' claims of race harassment.

23 **OBJECTION TO TOPIC NO. 10:**

24 Defendant incorporates each of the general objections listed above. Defendant further
 25 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 26 oppressive; (2) it is vague and ambiguous, especially as to the alleged "claims of race
 27 harassment," and Defendant denies that Plaintiffs ever made any complaints of race harassment;
 28 (3) it is vague and ambiguous, especially as to the phrases "circumstances" and "investigation,"

1 unintelligible and uncertain. Subject to and without waiving it objections and to the extent it is
 2 understood, Defendant responds: Defendant will produce its person most knowledgeable to testify
 3 as to how the incidents alleged in the Complaint by Plaintiff Owen Diaz were investigated and
 4 responded to.

5 **TOPIC NO. 11:**

6 The results of any investigation(s) conducted by DEFENDANT into PLAINTIFFS' claims
 7 of race harassment.

8 **OBJECTION TO TOPIC NO. 11:**

9 Defendant incorporates each of the general objections listed above. Defendant further
 10 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 11 oppressive; (2) it is vague and ambiguous, especially as to the alleged "claims of race
 12 harassment," and Defendant denies that Plaintiffs ever made any complaints of race harassment;
 13 (3) it is vague and ambiguous, especially as to the phrases "results" and "investigation(s),"
 14 unintelligible and uncertain. Subject to and without waiving it objections and to the extent it is
 15 understood, Defendant responds: Defendant will produce its person most knowledgeable to testify
 16 as to how the incidents alleged in the Complaint by Plaintiff Owen Diaz were investigated and
 17 responded to.

18 **TOPIC NO. 12:**

19 What action, if any, was taken by DEFENDANT as a result of its investigation(s) into
 20 PLAINTIFFS' claims of race harassment.

21 **OBJECTION TO TOPIC NO. 12:**

22 Defendant incorporates each of the general objections listed above. Defendant further
 23 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 24 oppressive; (2) it is vague and ambiguous, especially as to the alleged "claims of race
 25 harassment," and Defendant denies that Plaintiffs ever made any complaints of race harassment;
 26 (3) it is vague and ambiguous, especially as to the phrases "action" and "investigation(s),"
 27 unintelligible and uncertain. Subject to and without waiving it objections and to the extent it is
 28 understood, Defendant responds: Defendant will produce its person most knowledgeable to testify

1 as to how the incidents alleged in the Complaint by Plaintiff Owen Diaz were investigated and
2 responded to.

3 **TOPIC NO. 13:**

4 YOUR policies and procedures RELATED to disciplining employees.

5 **OBJECTION TO TOPIC NO. 13:**

6 Defendant incorporates each of the general objections listed above. Defendant further
7 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
8 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
9 harassers; (2) it is overbroad as to time; and (3) it is vague and ambiguous, especially as to the
10 phrases "policies and procedures," "RELATED to," and "disciplining employees," unintelligible
11 and uncertain.

12 **TOPIC NO. 14:**

13 YOUR policies and procedures RELATED TO investigating allegations or complaints of
14 race harassment or discrimination by contractors working at your factory in Fremont, California.

15 **OBJECTION TO TOPIC NO. 14:**

16 Defendant incorporates each of the general objections listed above. Defendant further
17 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
18 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
19 harassers; (2) it is overbroad as to time; and (3) it is vague and ambiguous, especially as to the
20 phrases "policies and procedures," "RELATED to," and "allegations or complaints...by
21 contractors," unintelligible and uncertain. Defendant will produce its person most knowledgeable
22 to testify as to policies and procedures in effect during the relevant time period and that applied to
23 Plaintiffs, who were never employees of Defendant, if any.

24 **TOPIC NO. 15:**

25 YOUR policies and procedures for your contractors to ensure that they enforce your
26 antiharassment, anti-discrimination, or anti-retaliation policies and procedures for their employees
27 working at your factory in Fremont, California.

28 **OBJECTION TO TOPIC NO. 15:**

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "to ensure," "they enforce," "their employees," are unintelligible and uncertain; (4) it lacks foundation and calls for speculation that certain, if any of, Defendant's policies applied to individuals who were never employees of Defendant. Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable as to its policies and procedures against harassment, discrimination, and retaliation.

TOPIC NO. 16:

YOUR policies and procedures for ensuring that workers who are working at your Fremont, California factory are not subjected to harassment, discrimination or retaliation.

OBJECTION TO TOPIC NO. 16:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "policies and procedures," and "ensuring"; and (4) it lacks foundation and calls for speculation that certain, if any of, Defendant's policies applied to Plaintiffs, who were never employees of Defendant.

Subject to and without waiving it objections and to the extent it is understood, Defendant responds: Defendant will produce its person most knowledgeable to testify as to policies and procedures in effect during the relevant time period and that applied to Plaintiffs, who were never employees of Defendant, if any.

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1 **TOPIC NO. 17:**

2 Plaintiff Owen Diaz's work performance for DEFENDANT (including but not limited to
3 his work performance reviews and attendance).

4 **OBJECTION TO TOPIC NO. 17:**

5 Defendant incorporates each of the general objections listed above. Defendant further
6 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
7 oppressive; (2) it is vague and ambiguous, especially as to the phrases "work performance" and
8 "work performance reviews," unintelligible and uncertain; and (3) it lacks foundation and calls for
9 speculation that Plaintiff Owen Diaz ever received performance reviews from Defendant as
10 Plaintiff Owen Diaz was never an employee of Defendant. Subject to and without waiving it
11 objections and to the extent it is understood, Defendant responds: Defendant previously produced
12 for deposition its person most knowledgeable as to this topic. Defendant will not produce, and
13 Plaintiff is not entitled to, a second person most knowledgeable to testify as to this topic.

14 **TOPIC NO. 18:**

15 Plaintiff Demetric Di-az's work performance for DEFENDANT (including but not limited
16 to his work performance reviews and attendance).

17 **OBJECTION TO TOPIC NO. 18:**

18 Defendant incorporates each of the general objections listed above. Defendant further
19 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
20 oppressive; (2) it is vague and ambiguous, especially as to the phrases "work performance" and
21 "work performance reviews," unintelligible and uncertain; and (3) it lacks foundation and calls for
22 speculation that Plaintiff Demetric Di-az ever received performance reviews from Defendant as
23 Plaintiff Demetric Di-az was never an employee of Defendant. Subject to and without waiving it
24 objections and to the extent it is understood, Defendant responds: Defendant previously produced
25 for deposition its person most knowledgeable as to this topic. Defendant will not produce, and
26 Plaintiff is not entitled to, a second person most knowledgeable to testify as to this topic.

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TOPIC NO. 19:

The circumstances (who, what, where, when, how and why) of DEFENDANT's past record of acting on race harassment complaints from 2010 to the present.

OBJECTION TO TOPIC NO. 19:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs, Plaintiff's supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "circumstances," "past record of action on" and "race harassment complaint," unintelligible and uncertain; (4) it is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks impermissible "me too" evidence that Plaintiffs are not entitled to; (5) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights established by the California Constitution; (6) it seeks information protected by the attorney-client privilege or the attorney work product doctrine; and (7) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

TOPIC NO. 20:

For the period from 2010 to the present, the circumstances (who, what, where, when, how and why) of any civil actions filed against DEFENDANT or DEFENDANT's employee by another employee claiming that they were the victim of race harassment, including but not limited to the use of "nigger" or "nigga" in the workplace, or that DEFENDANT failed to take reasonable steps to prevent harassment from occurring, including (a) the name, address, and telephone number of each employee who filed the action; (b) the court, names of the parties, and case number of the civil action; (c) state the name, address, and telephone number of any attorney representing each employee; (d) whether the action has been resolved or is pending.

OBJECTION TO TOPIC NO. 20:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs, Plaintiff's supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "circumstances," "civil actions" and "race harassment," and "reasonable steps to prevent harassment from occurring," unintelligible and uncertain; (4) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights established by the California Constitution; (5) it is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks impermissible "me too" evidence that Plaintiffs are not entitled to; (6) it seeks information protected by the attorney-client privilege or the attorney work product doctrine, including testimony about the "circumstances (who, what, where, when, how and why)" of litigation; (7) it seeks information equally available to Plaintiffs and is thus unduly burdensome and harassing; and (8) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

TOPIC NO. 21:

The facts supporting DEFENDANT's claim, if so, that it took reasonable steps to prevent and correct workplace race harassment from 2014 to present.

OBJECTION TO TOPIC NO. 21:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs, Plaintiff's supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous as to any alleged "workplace race harassment" unintelligible and uncertain; (4) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights

1 established by the California Constitution; and (5) it seeks information protected by the attorney-
2 client privilege and/or by the attorney work product doctrine.

3 **TOPIC NO. 22:**

4 The facts supporting DEFENDANT'S claim, if so, that PLAINTIFFS unreasonably failed
5 to use DEFENDANT's anti-harassment complaint procedures.

6 **OBJECTION TO TOPIC NO. 22:**

7 Defendant incorporates each of the general objections listed above. Defendant further
8 objects to this category to the extent that: (1) it is vague and ambiguous, especially as to the
9 phrases "unreasonably failed" and "harassment complaint procedures," unintelligible and
10 uncertain; and (2) it seeks information protected by the attorney-client privilege and/or by the
11 attorney work product doctrine.

12 **TOPIC NO. 23:**

13 The details of DEFENDANT's anti-harassment complaint procedures from 2014 to
14 present.

15 **OBJECTION TO TOPIC NO. 23:**

16 Defendant incorporates each of the general objections listed above. Defendant further
17 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
18 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
19 harassers; (2) it is overbroad as to time; and (3) it is vague and ambiguous, especially as to the
20 phrases "details" and "harassment complaint procedures," unintelligible and uncertain. Subject to
21 and without waiving it objections and to the extent it is understood, Defendant responds:
22 Defendant will produce its person most knowledgeable to testify as to its harassment complaint
23 procedures in effect during the relevant time period and that applied to Plaintiffs, who were never
24 employees of Defendant, if any.

25 **TOPIC NO. 24:**

26 The facts supporting DEFENDANT's claim, if so, that DEFENDANT provided
27 preventative and corrective measures for claims of race harassment from 2014 to present.
28

OBJECTION TO TOPIC NO. 24:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs, Plaintiff's supervisors or to Plaintiffs' alleged harassers; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "preventative and corrective measures" and "claims of race harassment," unintelligible and uncertain; (4) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights established by the California Constitution; (5) it is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks impermissible "me too" evidence that Plaintiffs are not entitled to; and (6) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

TOPIC NO. 25:

What type of conduct DEFENDANT considered to be unlawful race harassment from 2014 through 2016.

OBJECTION TO TOPIC NO. 25:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially as to the phrases "considered to be" and "unlawful race harassment," unintelligible, and uncertain; (4) it seeks information protected by the attorney-client privilege and/or by the attorney work product doctrine; and (5) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or

1 expense of the proposed discovery outweighs its likely benefit.

2 **TOPIC NO. 26:**

3 The facts supporting DEFENDANT's claim, if so, that the reasonable use of its procedures
4 would have prevented some or all of PLAINTIFFS' harm.

5 **OBJECTION TO TOPIC NO. 26:**

6 Defendant incorporates each of the general objections listed above. Defendant further
7 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
8 oppressive; (2) it is overbroad as to time; (3) it lacks foundation and calls for speculation as to any
9 alleged "harm" suffered by Plaintiffs, and Defendant denies that Plaintiffs suffered any harm
10 during their temporary employment at Defendant's facility; (4) it is vague and ambiguous as to the
11 phrases "reasonable use" and "procedures," unintelligible, and uncertain; and (5) it seeks
12 information protected by the attorney-client privilege and/or by the attorney work product
13 doctrine.

14 **TOPIC NO. 27:**

15 Any race harassment complaints made against Ramon Martinez, and received by YOU.

16 **OBJECTION TO TOPIC NO. 27:**

17 Defendant incorporates each of the general objections listed above. Defendant further
18 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
19 oppressive; (2) it is vague and ambiguous, especially as to the phrase "race harassment
20 complaints," unintelligible and uncertain; (3) it seeks testimony pertaining to employees or former
21 employees of Defendant and thereby seeks to invade privacy rights established by the California
22 Constitution; and (4) Ramon Martinez was never an employee of Defendant. Subject to and
23 without waiving it objections and to the extent it is understood, Defendant responds: Defendant
24 previously produced for deposition its person most knowledgeable as to this topic. Defendant will
25 not produce, and Plaintiff is not entitled to, a second person most knowledgeable to testify as to
26 this topic.

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1 **TOPIC NO. 28:**

2 Any race harassment complaints of race harassment [sic] received by YOU involving
3 Ramon Martinez.

4 **OBJECTION TO TOPIC NO. 28:**

5 Defendant incorporates each of the general objections listed above. Defendant further
6 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
7 oppressive; (2) it is vague and ambiguous, especially as to the phrase "complaints of race
8 harassment," unintelligible and uncertain; (3) it seeks testimony pertaining to employees or former
9 employees of Defendant and thereby seeks to invade privacy rights established by the California
10 Constitution; and (4) Ramon Martinez was never an employee of Defendant. Subject to and
11 without waiving it objections and to the extent it is understood, Defendant responds: Defendant
12 previously produced for deposition its person most knowledgeable as to this topic. Defendant will
13 not produce, and Plaintiff is not entitled to, a second person most knowledgeable to testify as to
14 this topic.

15 **TOPIC NO. 29:**

16 Any discipline issued to Ramon Martinez as a result of Plaintiff Owen Diaz's complaint of
17 race harassment.

18 **OBJECTION TO TOPIC NO. 29:**

19 Defendant incorporates each of the general objections listed above. Defendant further
20 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
21 oppressive; (2) it is vague and ambiguous, especially as to the phrase "discipline," unintelligible
22 and uncertain; (3) it lacks foundation and calls for speculation that Plaintiff Owen Diaz ever made
23 a complaint of race harassment regarding Ramon Martinez; (4) it seeks testimony pertaining to
24 employees or former employees of Defendant and thereby seeks to invade privacy rights
25 established by the California Constitution; and (5) Ramon Martinez was never an employee of
26 Defendant. Subject to and without waiving it objections and to the extent it is understood,
27 Defendant responds: Defendant previously produced for deposition its person most knowledgeable
28

1 as to this topic. Defendant will not produce, and Plaintiff is not entitled to, a second person most
2 knowledgeable to testify as to this topic.

3 **TOPIC NO. 30:**

4 The reason Demetric Di-az's employment with YOU was terminated.

5 **OBJECTION TO TOPIC NO. 30:**

6 Defendant incorporates each of the general objections listed above. Defendant further
7 objects to this category to the extent that: (1) it lacks foundation and calls for speculation that
8 Plaintiff Demetric Di-az was ever an employee of Defendant; and (2) Plaintiff Demetric Di-az was
9 never an employee of Defendant. Subject to and without waiving it objections and to the extent it
10 is understood, Defendant responds: Defendant previously produced for deposition its person most
11 knowledgeable as to this topic. Defendant will not produce, and Plaintiff is not entitled to, a
12 second person most knowledgeable to testify as to this topic.

13 **TOPIC NO. 31:**

14 The reason Owen Diaz's employment with YOU ended.

15 **OBJECTION TO TOPIC NO. 31:**

16 Defendant incorporates each of the general objections listed above. Defendant further
17 objects to this category to the extent that: (1) it lacks foundation and calls for speculation that
18 Plaintiff Owen Diaz was ever an employee of Defendant; and (2) Plaintiff Owen Diaz was never
19 an employee of Defendant. Subject to and without waiving it objections and to the extent it is
20 understood, Defendant responds: Defendant previously produced for deposition its person most
21 knowledgeable as to this topic. Defendant will not produce, and Plaintiff is not entitled to, a
22 second person most knowledgeable to testify as to this topic.

23 **TOPIC NO. 32:**

24 Any race harassment complaints or concerns made against Javier Caballero, and received
25 by YOU.

26 **OBJECTION TO TOPIC NO. 32:**

27 Defendant incorporates each of the general objections listed above. Defendant further
28 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and

1 oppressive; (2) it is overbroad as to time; (3) it lacks foundation and calls for speculation; (4) it is
 2 vague and ambiguous, especially as to the phrases "complaints" and "concerns"; (5) it seeks
 3 testimony pertaining to employees or former employees of Defendant and thereby seeks to invade
 4 privacy rights established by the California Constitution; (6) it is not reasonably calculated to lead
 5 to the discovery of admissible evidence in that it seeks impermissible "me too" evidence that
 6 Plaintiffs are not entitled to; and (7) it seeks information that is not relevant to the claims or
 7 defenses and/or proportional to the needs of the case, considering the importance of the issues at
 8 stake in the action, the amount in controversy, the parties' relative access to relevant information,
 9 the parties' resources, the importance of the discovery in resolving the issues, and whether the
 10 burden or expense of the proposed discovery outweighs its likely benefit.

11 **TOPIC NO. 33:**

12 Any discipline issued to Javier Caballero as a result of Plaintiff Demetric Di-Az's
 13 complaint of race harassment.

14 **OBJECTION TO TOPIC NO. 33:**

15 Defendant incorporates each of the general objections listed above. Defendant further
 16 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 17 oppressive; (2) it is overbroad as to time; (3) it lacks foundation and calls for speculation as to any
 18 complaint of race harassment by Plaintiff Demetric Di-Az; (4) it is vague and ambiguous,
 19 especially as to the phrases "discipline issued" and "complaint of race harassment."

20 **TOPIC NO. 34:**

21 YOUR policies, practices and procedures for promoting employees.

22 **OBJECTION TO TOPIC NO. 34:**

23 Defendant incorporates each of the general objections listed above. Defendant further
 24 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 25 oppressive; (2) it is vague and ambiguous, especially as to the phrases "policies, practices and
 26 procedures" and "promoting," unintelligible and uncertain; (3) it seeks confidential and
 27 proprietary business information; and (4) it seeks information that is not relevant to the claims or
 28 defenses and/or proportional to the needs of the case, considering the importance of the issues at

1 stake in the action, the amount in controversy, the parties' relative access to relevant information,
 2 the parties' resources, the importance of the discovery in resolving the issues, and whether the
 3 burden or expense of the proposed discovery outweighs its likely benefit.

4 **TOPIC NO. 35:**

5 Any salary, hourly wage, bonus, other remuneration and all fringe benefits PLAINTIFFS
 6 received during their employment with YOU, and to which PLAINTIFFS would have been
 7 entitled and/or eligible had PLAINTIFFS' employment with YOU continued.

8 **OBJECTION TO TOPIC NO. 35:**

9 Defendant incorporates each of the general objections listed above. Defendant further
 10 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 11 oppressive; (2) it is vague and ambiguous, especially as to the phrases "other remuneration" and
 12 "all fringe benefits," unintelligible and uncertain; (3) it lacks foundation and calls for speculation
 13 that Plaintiffs were ever entitled to benefits from Defendant; and (4) it seeks confidential and
 14 proprietary business information.

15 **TOPIC NO. 36:**

16 The most senior employee of DEFENDANT as to proper procedures for performing a race
 17 harassment investigation at Tesla, Inc.'s Fremont location from 2014 through 2016.

18 **OBJECTION TO TOPIC NO. 36:**

19 Defendant incorporates each of the general objections listed above. Defendant further
 20 objects to this category to the extent that: (1) it is overbroad, vague and ambiguous and uncertain
 21 with regard to the phrase "[t]he most senior employee of DEFENDANT as to proper procedures
 22 for performing a race harassment investigation at Tesla, Inc.'s Fremont location from 2014
 23 through 2016," unintelligible and uncertain; (2) it seeks information that is not relevant to the
 24 claims or defenses and/or proportional to the needs of the case, considering the importance of the
 25 issues at stake in the action, the amount in controversy, the parties' relative access to relevant
 26 information, the parties' resources, the importance of the discovery in resolving the issues, and
 27 whether the burden or expense of the proposed discovery outweighs its likely benefit; and (3)
 28 Plaintiffs do not have the authority to compel a specific individual to testify as to a certain

1 category of examination under Rule 30(b)(6) and it is in Defendant's sole discretion as to who to
2 produce to testify as to each category of examination.

3 **TOPIC NO. 37:**

4 What was done with the evidence gathered during the investigation of PLAINTIFFS'
5 claims of race harassment.

6 **OBJECTION TO TOPIC NO. 37:**

7 Defendant incorporates each of the general objections listed above. Defendant further
8 objects to this category to the extent that: (1) it is overbroad, vague and ambiguous and uncertain
9 with regard to the phrases, "what was done with" and "the evidence gathered during the
10 investigation of PLAINTIFFS' claims of race harassment," unintelligible and uncertain; (2) it
11 lacks foundation and calls for speculation; (2) it seeks information that is not relevant to the
12 claims or defenses and/or proportional to the needs of the case, considering the importance of the
13 issues at stake in the action, the amount in controversy, the parties' relative access to relevant
14 information, the parties' resources, the importance of the discovery in resolving the issues, and
15 whether the burden or expense of the proposed discovery outweighs its likely benefit; (3) it seeks
16 testimony pertaining to employees or former employees of Defendant and thereby seeks to invade
17 privacy rights established by the California Constitution; and (4) it seeks information protected by
18 the attorney-client privilege and/or by the attorney work product doctrine.

19 **TOPIC NO. 38:**

20 Information RELATED to the business relationship between Tesla, Inc. and Citistaff
21 Solutions, Inc.

22 **OBJECTION TO TOPIC NO. 38:**

23 Defendant incorporates each of the general objections listed above. Defendant further
24 objects to this category to the extent that: (1) it is overbroad, ambiguous, vague and uncertain with
25 regard to the phrase "Information RELATED to the business relationship between Tesla, Inc. and
26 Citistaff Solutions, Inc."; (2) it seeks information not relevant to any party's claims or defenses
27 nor proportional to the needs of this case; and (3) it seeks confidential and proprietary business
28 information. Subject to and without waiving it objections and to the extent it is understood,

1 Defendant responds: Defendant will produce its person most knowledgeable as to the general
 2 nature of the relationship between Defendant and Citistaff Solutions, Inc.

3 **TOPIC NO. 39:**

4 Information RELATED to the business relationship between Tesla, Inc. and West Valley
 5 Staffing Group.

6 **OBJECTION TO TOPIC NO. 39:**

7 Defendant incorporates each of the general objections listed above. Defendant further
 8 objects to this category to the extent that: (1) it is overbroad, ambiguous, vague and uncertain with
 9 regard to the phrase "Information RELATED to the business relationship between Tesla, Inc. and
 10 West Valley Staffing Group."; (2) it seeks information not relevant to any party's claims or
 11 defenses nor proportional to the needs of this case; and (3) it seeks confidential and proprietary
 12 business information. Subject to and without waiving it objections and to the extent it is
 13 understood, Defendant responds: Defendant will produce its person most knowledgeable as to the
 14 general nature of the relationship between Defendant and West Valley Staffing Group.

15 **TOPIC NO. 40:**

16 Information RELATED to the business relationship between Tesla, Inc. and NextSource.

17 **OBJECTION TO TOPIC NO. 40:**

18 Defendant incorporates each of the general objections listed above. Defendant further
 19 objects to this category to the extent that: (1) it is overbroad, ambiguous, vague and uncertain with
 20 regard to the phrase "Information RELATED to the business relationship between Tesla, Inc. and
 21 NextSource."; (2) it seeks information not relevant to any party's claims or defenses nor
 22 proportional to the needs of this case; and (3) it seeks confidential and proprietary business
 23 information. Subject to and without waiving it objections and to the extent it is understood,
 24 Defendant responds: Defendant will produce its person most knowledgeable as to the general
 25 nature of the relationship between Defendant and NextSource.

26 ///

27 ///

28

TOPIC NO. 41:

How much money TESLA spent each year from 2010 to the present in connection with training TESLA employees at the FREMONT FACTORY on TESLA's race harassment policies, practices and procedures.

OBJECTION TO TOPIC NO. 41:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is vague and ambiguous, especially with regard to the phrases "training" and "race harassment policies, practices and procedures"; (3) it is overbroad as to time; (4) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit; (5) it lacks foundation and calls for speculation; and (6) it seeks confidential and proprietary business information.

TOPIC NO. 42:

How much money TESLA spent each year from 2010 to the present in connection with training TESLA employees at the FREMONT FACTORY on TESLA's race discrimination policies, practices and procedures.

OBJECTION TO TOPIC NO. 42:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is vague and ambiguous, especially with regard to the phrases "training" and "race discrimination policies, practices and procedures"; (3) it is overbroad as to time; (4) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the

parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit; (5) it lacks foundation and calls for speculation; and (6) it seeks confidential and proprietary business information.

TOPIC NO. 43:

How much money TESLA spent each year from 2010 to the present in connection with training TESLA employees at the FREMONT FACTORY on TESLA's assault/battery policies, practices and procedures.

OBJECTION TO TOPIC NO. 43:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged harassers; (2) it is vague and ambiguous, especially with regard to the phrases "training" and "assault/battery policies, practices and procedures"; (3) it is overbroad as to time; (4) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit; (5) it lacks foundation and calls for speculation; and (6) it seeks confidential and proprietary business information.

TOPIC NO. 44:

How much time YOU spent investigating PLAINTIFF's allegations against Ramon Martinez.

OBJECTION TO TOPIC NO. 44:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is vague and ambiguous, especially with regard to the phrases "investigating" and "Plaintiffs' allegations against Ramon Martinez"; (2) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the

1 case, considering the importance of the issues at stake in the action, the amount in controversy, the
 2 parties' relative access to relevant information, the parties' resources, the importance of the
 3 discovery in resolving the issues, and whether the burden or expense of the proposed discovery
 4 outweighs its likely benefit; (3) it lacks foundation and calls for speculation; and (4) it seeks
 5 information protected by the attorney-client privilege and/or by the attorney work product
 6 doctrine.

7 **TOPIC NO. 45:**

8 How much money TESLA spent to train Ramon Martinez on TESLA's race harassment
 9 policies, practices and procedures.

10 **OBJECTION TO TOPIC NO. 45:**

11 Defendant incorporates each of the general objections listed above. Defendant further
 12 objects to this category to the extent that: (1) it is vague and ambiguous, especially with regard to
 13 the phrases "train" and "race harassment policies, practices and procedures"; (2) it seeks
 14 *information that is not relevant to the claims or defenses and/or proportional to the needs of the*
 15 *case, considering the importance of the issues at stake in the action, the amount in controversy, the*
 16 *parties' relative access to relevant information, the parties' resources, the importance of the*
 17 *discovery in resolving the issues, and whether the burden or expense of the proposed discovery*
 18 *outweighs its likely benefit; (3) it seeks testimony pertaining to employees or former employees of*
 19 *Defendant and thereby seeks to invade privacy rights established by the California Constitution;*
 20 *(4) it seeks confidential and proprietary business information; and (5) it seeks information*
 21 *protected by the attorney-client privilege and/or by the attorney work product doctrine.*

22 **TOPIC NO. 46:**

23 How much money TESLA spent to train Ramon Martinez on TESLA's race discrimination
 24 policies, practices and procedures.

25 **OBJECTION TO TOPIC NO. 46:**

26 Defendant incorporates each of the general objections listed above. Defendant further
 27 objects to this category to the extent that: (1) it is vague and ambiguous, especially with regard to
 28 the phrases "train" and "discrimination policies, practices and procedures"; (2) it seeks

information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit; (3) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights established by the California Constitution; (4) it seeks confidential and proprietary business information; and (5) it seeks information protected by the attorney-client privilege and/or by the attorney work product doctrine.

TOPIC NO. 47:

How much money TESLA spent to train Ramon Martinez on TESLA's assault/battery policies, practices and procedures.

OBJECTION TO TOPIC NO. 47:

Defendant incorporates each of the general objections listed above. Defendant further objects to this category to the extent that: (1) it is overbroad, ambiguous, vague and uncertain with regard to the phrases "train" and "assault/battery policies, practices and procedures"; (2) it seeks information that is not relevant to the claims or defenses and/or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit; (3) it seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to invade privacy rights established by the California Constitution; (4) it seeks confidential and proprietary business information; and (5) it seeks information protected by the attorney-client privilege and/or by the attorney work product doctrine.

TOPIC NO. 48:

Information RELATED to which PERSONS or entities, including third-party entities, that participated in any manner (including preparing, reviewing, revising or authorizing training materials and literature, training guides, web-based training services, or any other involvement with any such training) in training employees on YOUR race harassment, race discrimination and

1 assault/battery policies, procedures and practices.

2 **OBJECTION TO TOPIC NO. 48:**

3 Defendant incorporates each of the general objections listed above. Defendant further
 4 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 5 oppressive; (2) it is vague and ambiguous, especially as to the phrases "Information," "participated
 6 in any manner," "training" and "race harassment, race discrimination and assault/battery policies,
 7 procedures and practices," unintelligible and uncertain; (3) it seeks information that is not relevant
 8 to the claims or defenses and/or proportional to the needs of the case, considering the importance
 9 of the issues at stake in the action, the amount in controversy, the parties' relative access to
 10 relevant information, the parties' resources, the importance of the discovery in resolving the
 11 issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit;
 12 (3) it seeks testimony pertaining to employees or former employees of Defendant and thereby
 13 seeks to invade privacy rights established by the California Constitution; (4) it seeks confidential
 14 and proprietary business information; and (5) it seeks information protected by the attorney-client
 15 privilege and/or by the attorney work product doctrine.

16 **TOPIC NO. 49:**

17 Identify the average length of employment of a TESLA Production Associates (whether
 18 direct hires or through contracting agencies).

19 **OBJECTION TO TOPIC NO. 49:**

20 Defendant incorporates each of the general objections listed above. Defendant further
 21 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 22 oppressive; (2) it is vague and ambiguous, especially as to the phrases "average length, and
 23 "whether direct hires or through contracting agencies," unintelligible, and uncertain; (3) it is
 24 overbroad as to time; (4) it seeks information that is not relevant to the claims or defenses and/or
 25 proportional to the needs of the case, considering the importance of the issues at stake in the
 26 action, the amount in controversy, the parties' relative access to relevant information, the parties'
 27 resources, the importance of the discovery in resolving the issues, and whether the burden or
 28 expense of the proposed discovery outweighs its likely benefit; and (5) it seeks testimony

1 pertaining to employees or former employees of Defendant and thereby seeks to invade privacy
 2 rights established by the California Constitution.

3 **TOPIC NO. 50:**

4 How much money TESLA spent each year from 2010 to the present on stopping the use of
 5 “nigger” and/or “nigga” at the FREMONT FACTORY.

6 **OBJECTION TO TOPIC NO. 50:**

7 Defendant incorporates each of the general objections listed above. Defendant further
 8 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 9 oppressive; (2) it is overbroad as to time; (3) it is vague and ambiguous, especially with regard to
 10 the phrase “on stopping the use,” uncertain, and unintelligible; (4) it seeks information that is not
 11 relevant to the claims or defenses and/or proportional to the needs of the case, considering the
 12 importance of the issues at stake in the action, the amount in controversy, the parties’ relative
 13 access to relevant information, the parties’ resources, the importance of the discovery in resolving
 14 the issues, and whether the burden or expense of the proposed discovery outweighs its likely
 15 benefit; (5) it seeks confidential and proprietary business information; and (6) it seeks information
 16 protected by the attorney-client privilege and/or by the attorney work product doctrine.

17 **TOPIC NO. 51:**

18 What steps TESLA has taken to prevent the use of “nigger” and/or “nigga” at the
 19 FREMONT FACTORY.

20 **OBJECTION TO TOPIC NO. 51:**

21 Defendant incorporates each of the general objections listed above. Defendant further
 22 objects to this category to the extent that: (1) it is overbroad as to time; (2) it is vague and
 23 ambiguous, especially with regard to the phrase “steps”; and (3) it seeks information protected by
 24 the attorney-client privilege and/or by the attorney work product doctrine. Subject to and without
 25 waiving it objections and to the extent it is understood, Defendant responds: Defendant will
 26 produce its person most knowledgeable as to its policies and procedures against harassment and
 27 discrimination.
 28

1 **TOPIC NO. 52:**

2 The total amount of money TESLA has spent training employees at its FREMONT
3 FACTORY on issues relating to race harassment and/or discrimination in each of the years
4 between 2010 and present.

5 **OBJECTION TO TOPIC NO. 52:**

6 Defendant incorporates each of the general objections listed above. Defendant further
7 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
8 oppressive; (2) it is overbroad as to time; (3) it is overbroad, ambiguous, vague and uncertain with
9 regard to the phrases "training" and "issues relating to race harassment and/or discrimination"; (4)
10 it seeks information that is not relevant to the claims or defenses and/or proportional to the needs
11 of the case, considering the importance of the issues at stake in the action, the amount in
12 controversy, the parties' relative access to relevant information, the parties' resources, the
13 importance of the discovery in resolving the issues, and whether the burden or expense of the
14 proposed discovery outweighs its likely benefit; (5) it seeks confidential and proprietary business
15 information; and (6) it seeks information protected by the attorney-client privilege and/or by the
16 attorney work product doctrine.

17 **TOPIC NO. 53:**

18 The amount of money TESLA spends on average per year per employee training
19 employees at its FREMONT FACTORY on issues relating to race harassment and/or
20 discrimination for each of the years between 2010 and present.

21 **OBJECTION TO TOPIC NO. 53:**

22 Defendant incorporates each of the general objections listed above. Defendant further
23 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
24 oppressive; (2) it is overbroad as to time; (3) it is overbroad, ambiguous, vague and uncertain with
25 regard to the phrases "training" and "issues relating to race harassment and/or discrimination"; (4)
26 it seeks information that is not relevant to the claims or defenses and/or proportional to the needs
27 of the case, considering the importance of the issues at stake in the action, the amount in
28 controversy, the parties' relative access to relevant information, the parties' resources, the

1 importance of the discovery in resolving the issues, and whether the burden or expense of the
 2 proposed discovery outweighs its likely benefit; (5) it seeks confidential and proprietary business
 3 information; and (6) it seeks information protected by the attorney-client privilege and/or by the
 4 attorney work product doctrine.

5 **TOPIC NO. 54:**

6 The total amount of time each year that TESLA requires supervisors and/or leads at its
 7 FREMONT FACTORY to spend training on issues relating to race harassment and/or
 8 discrimination for each of the years between 2010 and present.

9 **OBJECTION TO TOPIC NO. 54:**

10 Defendant incorporates each of the general objections listed above. Defendant further
 11 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 12 oppressive; (2) it is overbroad as to time; (3) it is overbroad, ambiguous, vague and uncertain with
 13 regard to the phrases "training" and "issues relating to race harassment and/or discrimination"; (4)
 14 it seeks information that is not relevant to the claims or defenses and/or proportional to the needs
 15 of the case, considering the importance of the issues at stake in the action, the amount in
 16 controversy, the parties' relative access to relevant information, the parties' resources, the
 17 importance of the discovery in resolving the issues, and whether the burden or expense of the
 18 proposed discovery outweighs its likely benefit; (5) it seeks confidential and proprietary business
 19 information; and (6) it seeks information protected by the attorney-client privilege and/or by the
 20 attorney work product doctrine.

21 **TOPIC NO. 55:**

22 Discipline of employees who have violated TESLA's race harassment and/or
 23 discrimination policies.

24 **OBJECTION TO TOPIC NO. 55:**

25 Defendant incorporates each of the general objections listed above. Defendant further
 26 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and oppressive
 27 in that it is not limited geographically or to Plaintiffs' supervisors or to Plaintiffs' alleged
 28 harassers; (2) it is overbroad, ambiguous, vague and uncertain with regard to the phrases

1 “Discipline” and “race harassment and/or discrimination policies”; (3) it is overbroad as to time;
 2 and (4) it seeks information not relevant to any party’s claims or defenses nor proportional to the
 3 needs of this case; (5) it is not reasonably calculated to lead to the discovery of admissible
 4 evidence in that it seeks impermissible “me too” evidence that Plaintiffs are not entitled to; (6) it
 5 seeks testimony pertaining to employees or former employees of Defendant and thereby seeks to
 6 invade privacy rights established by the California Constitution; and (7) it seeks information
 7 protected by the attorney-client privilege and/or by the attorney work product doctrine.

8 **TOPIC NO. 56:**

9 TESLA’S current financial condition.

10 **OBJECTION TO TOPIC NO. 56:**

11 Defendant incorporates each of the general objections listed above. Defendant further
 12 objects to this category to the extent that: (1) it is overly broad, unduly burdensome and
 13 oppressive; (2) it is overbroad, ambiguous, vague and uncertain with regard to the phrase
 14 “financial condition,” (3) it is overbroad as to time which encompasses a time period outside of
 15 Plaintiffs’ alleged harassment/discrimination; and (4) it seeks information that is not relevant to
 16 the claims or defenses and/or proportional to the needs of the case, considering the importance of
 17 the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant
 18 information, the parties’ resources, the importance of the discovery in resolving the issues, and
 19 whether the burden or expense of the proposed discovery outweighs its likely benefit; (5) it seeks
 20 information protected by the attorney-client privilege and/or by the attorney work product
 21 doctrine; and (6) it seeks confidential and proprietary business information.

22 **RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

23 **REQUEST FOR PRODUCTION NO. 1:**

24 Any and all DOCUMENTS reviewed by the deponent in preparation for their deposition.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

26 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
 27 uncertain with regard to the phrase “reviewed by the deponent in preparation for their deposition.”
 28 Defendant further objects to this request to the extent that it seeks documents protected from

1 disclosure by the attorney-client privilege and the attorney work product doctrine.

2 **REQUEST FOR PRODUCTION NO. 2:**

3 Any and all DOCUMENTS that refer to, reflect or evidence training provided to or
4 received by the deponent on how to investigate claims of harassment.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

6 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
7 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
8 training provided to or received by the deponent on how to investigate claims of harassment."

9 Defendant further objects to this request on the grounds that it is burdensome, oppressive, and
10 harassing to the extent that it seeks information and documents not relevant to any party's claims
11 or defenses. Defendant further objects to this request to the extent that it seeks documents
12 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

13 **REQUEST FOR PRODUCTION NO. 3:**

14 Any and all DOCUMENTS that refer to, reflect or evidence the amount of wages and
15 benefits Plaintiff Owen Diaz would have been entitled to from the date he last physically worked
16 for DEFENDANT through the present.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

18 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
19 uncertain with regard to the phrase "amount of wages and benefits Plaintiff Owen Diaz would
20 have been entitled to from the date he last physically worked for DEFENDANT through the
21 present." Defendant further objects to this request on the grounds that it is burdensome,
22 oppressive, and harassing to the extent that it seeks information and documents not relevant to any
23 party's claims or defenses nor proportional to the needs of this case, especially given that it
24 requests all documents "refer to, reflect or evidence" other documents. Defendant further objects
25 to this request to the extent that it seeks documents protected from disclosure by the attorney-
26 client privilege and the attorney work product doctrine. Defendant further objects to this request
27 on the grounds that Plaintiff Owen Diaz was never an employee of Defendant and did not receive
28 wages or benefits from Defendant.

REQUEST FOR PRODUCTION NO. 4:

Any and all DOCUMENTS that refer to, reflect or evidence the amount of wages and benefits Plaintiff Demetric Di-az would have been entitled to from the date he last physically worked for DEFENDANT through the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and uncertain with regard to the phrase “amount of wages and benefits Plaintiff Demetric Di-az would have been entitled to from the date he last physically worked for DEFENDANT through the present.” Defendant further objects to this request on the grounds that it is burdensome, oppressive, and harassing to the extent that it seeks information and documents not relevant to any party’s claims or defenses nor proportional to the needs of this case, especially given that it requests all documents “refer to, reflect or evidence” other documents. Defendant further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and the attorney work product doctrine. Defendant further objects to this request on the grounds that Plaintiff Demetric Di-az was never an employee of Defendant and did not receive wages or benefits from Defendant.

REQUEST FOR PRODUCTION NO. 5:

Any and all DOCUMENTS that refer to, reflect or evidence YOUR anti-harassment policies and procedures in effect from 2014 through 2016.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and uncertain with regard to the phrase “all DOCUMENTS that refer to, reflect or evidence YOUR anti-harassment policies and procedures in effect from 2014 through 2016.” Defendant further objects to this request on the grounds that it is burdensome, oppressive, and harassing to the extent that it seeks information and documents not relevant to any party’s claims or defenses nor proportional to the needs of this case, especially given that it requests all documents “refer to, reflect or evidence” other documents. Defendant further objects to this request on the grounds that it is burdensome and harassing in that it is overbroad as to time. Defendant further objects to the

1 extent that Plaintiffs were not employees of Tesla and not all Tesla policies applied to them
2 accordingly. Defendant further objects to this request on the grounds that it is duplicative of
3 Plaintiff Owen Diaz's Request for Production No. 23 and therefore burdensome and harassing. A
4 diligent search and reasonable inquiry have been made in an effort to comply with this request;
5 Defendant previously produced all responsive documents in its possession, custody or control.
6 Defendant refers Plaintiff to documents produced, including bates labeled TESLA 0000211 – 220;
7 243-247. Defendant will produce additional responsive documents in its possession, custody and
8 control, if any, to the extent they can be located.

9 **REQUEST FOR PRODUCTION NO. 6:**

10 Any and all DOCUMENTS that refer to, reflect or evidence the circumstances (who, what
11 where, when how and why) of any investigation conducted by YOU into Plaintiff Owen Diaz's
12 claims of a hostile work environment.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

14 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
15 uncertain with regard to the phrase "all DOCUMENTS that refer to, reflect or evidence the
16 circumstances (who, what where, when how and why) of any investigation conducted by YOU
17 into Plaintiff Owen Diaz's claims of a hostile work environment." Defendant further objects to this
18 request on the grounds that it is burdensome, oppressive, and harassing to the extent that it seeks
19 information and documents not relevant to any party's claims or defenses nor proportional to the
20 needs of this case, especially given that it requests all documents "refer to, reflect or evidence"
21 other documents. Defendant further objects to this request to the extent that it seeks documents
22 and information pertaining to employees or former employees of Defendant and thereby seeks to
23 invade privacy rights established by the California Constitution. Defendant further objects to this
24 request to the extent that it seeks documents protected from disclosure by the attorney-client
25 privilege and the attorney work product doctrine. Defendant further objects on the grounds that it
26 lacks foundation and calls for speculation as to whether any alleged "claims of a hostile work
27 environment" were ever made by Plaintiff Owen Diaz. Defendant further objects to this request on
28 the grounds that it is duplicative of Plaintiff Owen Diaz's Request for Production Nos. 10-12, 14

1 and 31 and therefore burdensome and harassing. Subject to and without waiving its objections and
 2 to the extent it is understood and assuming that this request does not seek disclosure of any
 3 documents protected from disclosure by the attorney-client privilege and the attorney work
 4 product doctrine, Defendant responds: A diligent search and reasonable inquiry have been made
 5 in an effort to comply with this request; Defendant previously produced all responsive documents
 6 in its possession, custody or control. Defendant refers Plaintiff to documents produced, including
 7 bates labeled TESLA 000005-13, 15-24, 30-38, 70-74, 80-109. Defendant will produce additional
 8 responsive documents in its possession, custody and control, if any, to the extent they can be
 9 located.

10 **REQUEST FOR PRODUCTION NO. 7:**

11 Any and all DOCUMENTS that refer to, reflect or evidence the results of any investigation
 12 conducted by YOU into Plaintiff Owen Diaz's claims of race harassment.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

14 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
 15 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
 16 the results of any investigation conducted by YOU into Plaintiff Owen Diaz's claims of race
 17 harassment." Defendant further objects to this request on the grounds that it is burdensome,
 18 oppressive, and harassing to the extent that it seeks information and documents not relevant to any
 19 party's claims or defenses nor proportional to the needs of this case, especially given that it
 20 requests all documents "refer to, reflect or evidence" other documents. Defendant further objects
 21 to this request to the extent that it seeks documents and information pertaining to employees or
 22 former employees of Defendant and thereby seeks to invade privacy rights established by the
 23 California Constitution. Defendant further objects to this request to the extent that it seeks
 24 documents protected from disclosure by the attorney-client privilege and the attorney work
 25 product doctrine. Defendant further objects on the grounds that it lacks foundation and calls for
 26 speculation as to whether any alleged "claims of race harassment" were ever made by Plaintiff
 27 Owen Diaz. Defendant further objects to this request on the grounds that it is duplicative of
 28 Plaintiff Owen Diaz's Request for Production Nos. 10-12, 14 and 31 and therefore burdensome

1 and harassing. Subject to and without waiving its objections and to the extent it is understood and
2 assuming that this request does not seek disclosure of any documents protected from disclosure by
3 the attorney-client privilege and the attorney work product doctrine, Defendant responds: A
4 diligent search and reasonable inquiry have been made in an effort to comply with this request;
5 Defendant previously produced all responsive documents in its possession, custody or control.
6 Defendant refers Plaintiff to documents produced, including bates labeled TESLA 000005-13, 15-
7 24, 30-38, 70-74, 80-109. Defendant will produce additional responsive documents in its
8 possession, custody and control, if any, to the extent they can be located.

9 **REQUEST FOR PRODUCTION NO. 8:**

10 Any and all DOCUMENTS that refer to, reflect or evidence what action, if any, was taken
11 by YOU as a result of YOUR investigation into Plaintiff Owen Diaz's claims of race harassment.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

13 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
14 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
15 the results of any investigation conducted by YOU into Plaintiff Owen Diaz's claims of race
16 harassment." Defendant further objects to this request on the grounds that it is burdensome,
17 oppressive, and harassing to the extent that it seeks information and documents not relevant to any
18 party's claims or defenses nor proportional to the needs of this case, especially given that it
19 requests all documents "refer to, reflect or evidence" other documents. Defendant further objects
20 to this request to the extent that it seeks documents and information pertaining to employees or
21 former employees of Defendant and thereby seeks to invade privacy rights established by the
22 California Constitution. Defendant further objects to this request to the extent that it seeks
23 documents protected from disclosure by the attorney-client privilege and the attorney work
24 product doctrine. Defendant further objects on the grounds that it lacks foundation and calls for
25 speculation as to whether any alleged "claims of race harassment" were ever made by Plaintiff
26 Owen Diaz. Defendant further objects to this request on the grounds that it is duplicative of
27 Plaintiff Owen Diaz's Request for Production Nos. 10-12, 14 and 31 and therefore burdensome
28 and harassing. Subject to and without waiving its objections and to the extent it is understood and

1 assuming that this request does not seek disclosure of any documents protected from disclosure by
2 the attorney-client privilege and the attorney work product doctrine, Defendant responds: A
3 diligent search and reasonable inquiry have been made in an effort to comply with this request;
4 Defendant previously produced all responsive documents in its possession, custody or control.
5 Defendant refers Plaintiff to documents produced including bates labeled TESLA 000005-13, 15-
6 24, 30-38, 70-74, 80-109. Defendant will produce additional responsive documents in its
7 possession, custody and control, if any, to the extent they can be located.

8 **REQUEST FOR PRODUCTION NO. 9:**

9 Any and all DOCUMENTS that refer to, reflect or evidence the circumstances (who, what,
10 where, when, how and why) of any investigation conducted by YOU into Plaintiff Owen Diaz's
11 personal life (his finances, other lawsuits, assets, habits, etc.).

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

13 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
14 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
15 the circumstances (who, what, where, when, how and why) of any investigation conducted by
16 YOU into Plaintiff Owen Diaz's personal life (his finances, other lawsuits, assets, habits, etc.)."
17 Defendant further objects to this request on the grounds that it is burdensome, oppressive, and
18 harassing to the extent that it seeks information and documents not relevant to any party's claims
19 or defenses nor proportional to the needs of this case, especially given that it requests all
20 documents "refer to, reflect or evidence" other documents. Defendant further objects to this
21 request to the extent that it seeks documents protected from disclosure by the attorney-client
22 privilege and the attorney work product doctrine.

23 **REQUEST FOR PRODUCTION NO. 10:**

24 Any and all DOCUMENTS that refer to, reflect or evidence the circumstances (who, what,
25 where, when, how and why) of any investigation conducted by YOU into Plaintiff Demetric Di-
26 az's personal life (his finances, other lawsuits, assets, habits, etc.).

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

28 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and

1 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
 2 the circumstances (who, what, where, when, how and why) of any investigation conducted by
 3 YOU into Plaintiff Demetric Di-az's personal life (his finances, other lawsuits, assets, habits,
 4 etc.)." Defendant further objects to this request on the grounds that it is burdensome, oppressive,
 5 and harassing to the extent that it seeks information and documents not relevant to any party's
 6 claims or defenses nor proportional to the needs of this case, especially given that it requests all
 7 documents "refer to, reflect or evidence" other documents. Defendant further objects to this
 8 request to the extent that it seeks documents protected from disclosure by the attorney-client
 9 privilege and the attorney work product doctrine.

10 **REQUEST FOR PRODUCTION NO. 11:**

11 Any and all DOCUMENTS that refer to, reflect or evidence Plaintiff Owen Diaz's work
 12 performance.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

14 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
 15 uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence
 16 Plaintiff Owen Diaz's work performance." Defendant further objects to this request on the grounds
 17 that it is burdensome, oppressive, and harassing to the extent that it seeks information and
 18 documents not relevant to any party's claims or defenses nor proportional to the needs of this case,
 19 especially given that it requests all documents "refer to, reflect or evidence" other documents.
 20 Defendant further objects to this request to the extent that it seeks documents protected from
 21 disclosure by the attorney-client privilege and the attorney work product doctrine. Subject to and
 22 without waiving its objections, Defendant responds: A diligent search and reasonable inquiry have
 23 been made in an effort to comply with this request; Defendant previously produced responsive
 24 documents in its possession, custody or control. Defendant refers Plaintiff to documents produced
 25 including bates labeled TESLA 0000144, 308, 315-320, 321-327, 330. Defendant will produce
 26 additional responsive documents in its possession, custody and control, if any, to the extent they
 27 can be located.
 28

REQUEST FOR PRODUCTION NO. 12:

Any and all DOCUMENTS that refer to, reflect or evidence Plaintiff [sic] Demetric Di-az's work performance.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence Plaintiff Demetric Di-az's work performance." Defendant further objects to this request on the grounds that it is burdensome, oppressive, and harassing to the extent that it seeks information and documents not relevant to any party's claims or defenses nor proportional to the needs of this case, especially given that it requests all documents "refer to, reflect or evidence" other documents. Defendant further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving its objections, Defendant responds: A diligent search and reasonable inquiry have been made in an effort to comply with this request; Defendant previously produced responsive documents in its possession, custody or control. Defendant refers Plaintiff to documents produced including bates labeled TESLA 0000170-185, 187-189, 191-201, 203-208, 294-296, 300-302. Defendant will produce additional responsive documents in its possession, custody and control, if any, to the extent they can be located.

REQUEST FOR PRODUCTION NO. 13:

Any and all DOCUMENTS that refer to, reflect or evidence the circumstances (who, what, where, when, how and why) of YOUR past record of acting on race harassment complaints from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and uncertain with regard to the phrase "Any and all DOCUMENTS that refer to, reflect or evidence the circumstances (who, what, where, when, how and why) of YOUR past record of acting on race harassment complaints from 2010 to the present." Defendant further objects to this request on the grounds that it is duplicative of Plaintiff Owen Diaz's Request for Production No. 22 and therefore

1 burdensome and harassing. Defendant further objects to this request to the extent that it seeks
2 information not relevant to any party's claims or defenses nor proportional to the needs of this
3 case. Defendant further objects to this request to the extent that it seeks documents and
4 information pertaining to employees or former employees of Defendant and thereby seeks to
5 invade privacy rights established by the California Constitution. Defendant further objects on the
6 grounds it seeks information or documents that are protected by the attorney-client privilege
7 and/or by the attorney work product doctrine. Defendant further objects to this request on the
8 grounds that it is burdensome and harassing in that it is overbroad as to time and not limited to
9 Plaintiff or the specific department(s) Plaintiff temporarily worked in.

10 **REQUEST FOR PRODUCTION NO. 14:**

11 Any and all DOCUMENTS that refer to, reflect, or evidence TESLA'S current financial
12 condition, including (though not limited to) audited financial statements.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

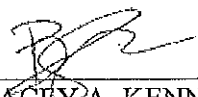
14 Defendant objects to this request on the grounds that it is vague and ambiguous as to the
15 term(s) and/or phrase(s) "current financial condition," and "audited financial statements."
16 Defendant further objects that this request is not reasonably limited to time and/or scope, and thus
17 overbroad, unduly burdensome, oppressive, and harassing. Defendant further objects to this
18 request to the extent it seeks documents that are not relevant to the parties' claims or defenses and
19 are not proportional to the needs of the case, considering the importance of the issues at stake in
20 the action, the amount in controversy, Defendant's relative access to relevant information, the
21 resources, importance of the discovery in resolving the issues, and the burden or expense of the
22 proposed discovery outweighs its likely benefit. Defendant further objects that to the extent this
23 request seeks information publicly and/or equally available to Plaintiff. Defendant further objects
24 to the extent that this request seeks confidential information related to business operations and/or
25 private information. Defendant further objects to the extent this request expressly seeks documents
26 protected from disclosure by the attorney-client privilege and/or work product doctrine. Defendant
27 further objects that this request seeks to violate third party privacy rights to an extent
28 incommensurate with Plaintiff's discovery needs. Defendant further objects that this request is too

1 vague and ambiguous to permit Defendant to conduct a reasonable search for responsive
2 documents, as the request fails to adequately describe with reasonable particularity the item or
3 category of documents requested as required by Federal Rules of Civil Procedure section
4 34(b)(1)(A).

5
6 Dated: May 15, 2019

7 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

8
9 By



TRACEY A. KENNEDY
PATRICIA M. JENG
REANNE SWAFFORD-HARRIS

10
11
12 Attorneys for Defendant,
13 TESLA, INC. DBA TESLA MOTORS, INC.
14
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CERTIFICATE OF SERVICE

Demetric Di-Az, et al. v. Tesla, Inc., et al.
USDC, Northern District of California, Case No. 3:17-cv-06748-WHO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is Four Embarcadero Center, 17th Floor, San Francisco, CA 94111-4109.

On May 15, 2019, I served true copies of the following document(s) described as:

**DEFENDANT'S OBJECTIONS TO PLAINTIFFS' SIXTH AMENDED NOTICE OF
VIDEOTAPED DEPOSITION OF TESLA, INC.'S PERSON MOST KNOWLEDGEABLE
PURSUANT TO FED. R. CIV. P. 30(B)(6); AND REQUEST FOR PRODUCTION OF
DOCUMENTS**

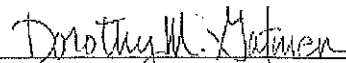
on the interested parties in this action as follows:

SEE SERVICE LIST

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 15, 2019, at San Francisco, California.


Dorothy-M. Gatmen

SERVICE LIST

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